

RESPECTING OUR FALLEN HEROES ACT

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates an enhanced penalty for disrupting a memorial service of a person who served in the armed forces or who was a member of the National Guard.

Highlighted Provisions:

This bill:

- ▶ increases the fine to be no less than \$750 for a person who disrupts a military memorial service;
- ▶ defines a military memorial service to be a memorial service of a person who served in the armed forces or who was a member of the National Guard; and
- ▶ expands the definition to disrupt a memorial service to include:
 - the distribution of printed materials, pamphlets, or handbills; or
 - displaying a placard or banner.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-108, as enacted by Laws of Utah 2007, Chapter 46



Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-9-108** is amended to read:

76-9-108. Disrupting a funeral or memorial service.

(1) As used in this section:

~~[(d)]~~ (a) "Disruptive activity" means:

(i) a loud or disruptive oration or speech that is not part of the memorial service;

(ii) the display of a placard, banner, poster, flag, or other item that is not part of the memorial service; or

(iii) the distribution of any handbill, pamphlet, leaflet, or other written material or other item that is not part of the memorial service.

~~[(a)]~~ (b) "Funeral procession" means a procession of two or more motor vehicles where:

(i) the operators of the vehicles identify themselves as being part of the procession by having the lamps or lights of the vehicle on and by keeping in close formation with the other vehicles in the procession;

(ii) at least one vehicle contains the body or remains of a deceased person being memorialized; and

(iii) the vehicles are going to or from a memorial service.

~~[(b)]~~ (c) "Memorial service" means the actual time of, 60 minutes immediately before and 60 minutes immediately after, a wake, funeral, graveside service, burial, or other ceremony or rite held in connection with the burial or cremation of an individual.

~~[(c)]~~ (d) "Memorial site" means a church, synagogue, mosque, funeral home, mortuary, cemetery, grave site, mausoleum, or other place at which a memorial service is conducted.

(e) "Military memorial service" means the actual time of, 60 minutes immediately before and 60 minutes immediately after, a wake, funeral, graveside service, burial, or other ceremony or rite held in connection with the burial or cremation of a veteran.

(f) "Veteran" means an individual who was an active duty member of the armed forces of the United States, a member of a reserve component of the armed forces of the United States, or a member of the National Guard.

(2) A person is guilty of a class B misdemeanor if the person, with intent to disrupt ~~[the]~~ a memorial service, does any of the following ~~[during the period beginning 60 minutes~~

59 immediately before the scheduled commencement of a memorial service and ending 60
60 minutes after the conclusion of a memorial service]:

61 (a) obstructs, hinders, impedes, or blocks another person's entry to or exit from the
62 memorial site;

63 (b) obstructs, hinders, impedes, or blocks a funeral procession;

64 (c) makes unreasonable noise; or

65 (d) engages in a disruptive activity within 200 feet of the memorial service.

66 (3) A person is guilty of a class B misdemeanor, and shall be fined not less than \$750,
67 if the person, with intent to disrupt any military memorial service, does any of the following:

68 (a) obstructs, hinders, impedes, or blocks another person's entry to or exit from the
69 memorial site;

70 (b) obstructs, hinders, impedes, or blocks a funeral procession;

71 (c) makes unreasonable noise;

72 (d) displays any placard, banner, flag, or similar device, unless such a display is part of
73 a funeral or memorial service or ceremony;

74 (e) distributes any handbill, pamphlet, leaflet, or other written or printed matter other
75 than materials distributed as part of the funeral or memorial service or ceremony; or

76 (f) engages in a disruptive activity within 500 feet of a military memorial service.

Legislative Review Note
as of 2-18-11 1:41 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 465

SHORT TITLE: **Respecting Our Fallen Heroes Act**

SPONSOR: **Hutchings, E.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Individuals that are convicted of certain offenses created in this bill will be fined \$750.